

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL SMITH,

Plaintiff,

v.

KIMBERLY BUTLER, JEANETTE HECHT,

KENT BROOKMAN, LORI OAKELY, and

BILLIE W. GREER,

Defendants.

Case No. 3:15-cv-770-NJR-DGW

**ORDER**

**WILKERSON, Magistrate Judge:**

Plaintiff seeks to depose 11 non-parties and Defendants with the Court's assistance (Docs. 73 and 76). The Motions are **GRANTED IN PART**. Plaintiff may depose parties and non-parties by using the procedures outlined in Federal Rules of Civil Procedure 30 and 31. However, Plaintiff must make all arrangements and serve all necessary subpoenas (pursuant to Rule 45 for non-parties) and notices. To that end, prior to the issuance of blank subpoenas (which must be issued by the Clerk of Court) and to ensure that the Court's subpoena power will not be abused, Plaintiff shall inform the Court as to what relevant testimony each of the (non-party) witnesses is expected to provide. Plaintiff should determine which stenographer he wishes to use and make financial arrangements with him/her. Plaintiff shall also complete the necessary notices as required by the Rules (with a time/date section left blank). Plaintiff shall submit to the Court: 1) a brief statement of the testimony that he expects each non-party witness to give; 2) copies of the notices he intends to serve (Plaintiff should be sure to include each witnesses address for service); and, 3) the name and contact information for the stenographer he intends to use (who may expect prepayment of fees). Such documents/information shall be submitted to the

Court by **May 19, 2017**. Once the Court has reviewed the material and contacted the stenographer, a time and date shall be set for each witness and Plaintiff will be required to serve subpoenas and notices (along with witness fees where necessary). The Court will assist Plaintiff in coordinating the time/date of the depositions with the stenographer/witnesses and shall issue a writ for Plaintiff's and/or witnesses' appearance (by video-conference). The depositions shall occur at the Federal Courthouse in East St. Louis, Illinois (or, with respect to Defendants, at a mutually acceptable location). Plaintiff is informed that the Court is without authority to pay litigation costs (including the costs of depositions) notwithstanding Plaintiff's *in forma pauperis* status. If Plaintiff does not have the funds to retain a stenographer, he shall promptly inform the Court.

At this juncture, the discovery deadline is extended to **May 12, 2017** and the Dispositive motion filing deadline is extended to **May 26, 2017**. Defendants' and Plaintiff's motions to amend deadlines is **GRANTED IN PART** (Docs. 74 and 78) as set forth herein.

Finally, Plaintiff's request for recruitment of counsel is **DENIED WITHOUT PREJUDICE** (Doc. 79). As set for the previously, Plaintiff appears competent to litigate this matter without counsel (Doc. 66). The Court is mindful that Plaintiff's incarcerated status may impede his ability to attend law library and that his recent surgery may have an effect on his ability to file motions. However, both issues can be readily resolved by reasonable motions for extension of time. If, however, the Court determines that the witnesses that Plaintiff seeks to depose are integral to his claim, the Court may reconsider recruitment of counsel.

**DATED: May 4, 2017**



**DONALD G. WILKERSON**  
**United States Magistrate Judge**